

HOUSE BILL REPORT

HB 1624

As Reported by House Committee On: State Government & Tribal Affairs

Title: An act relating to internet voting for service voters and overseas voters.

Brief Description: Authorizing internet voting for service voters and overseas voters.

Sponsors: Representatives Appleton, Armstrong, Hunt, Alexander, Hurst, Rodne, Darneille, Herrera, Finn, Smith and Ormsby; by request of Secretary of State.

Brief History:

Committee Activity:

State Government & Tribal Affairs: 2/6/09, 2/12/09 [DPS].

Brief Summary of Substitute Bill

- Allows the Secretary of State to establish a method allowing service and overseas voters to cast a ballot over the Internet.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst, Miloscia and Newhouse.

Staff: Marsha Reilly (786-7135)

Background:

County auditors are required to mail ballots to all overseas and service voters at least 30 days before any primary, general election, or special election. Requests for ballots made by overseas or service voters after that day must be processed immediately. The date of the signature on the ballot envelope is considered the date of mailing and the envelope must be signed by election day. Ballots must reach the county auditor before the results are certified in order for the votes to count. Certification occurs no later than 15 days after a primary or special election and no later than 21 days after a general election.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

"Service voter" is defined as any voter of the state who is a member of the U.S. Armed Forces (USAF) in active service, a student or faculty member of a U.S. military academy, a member of the Merchant Marines, a member of a religious group or welfare agency officially serving with the USAF, or a participant in the address confidentiality program. "Overseas voter" is defined as any voter of the state outside the territorial limits of the United States.

The National Defense Authorization Act of 2002 included a provision that the Secretary of Defense carry out a pilot project that would allow absent service voters to vote in the November 2004 general election through an electronic voting system over the Internet. In 2003 the Legislature passed Engrossed Senate Bill 5463 authorizing seven counties to participate in that demonstration project. The pilot project did not take place, and the law authorizing Washington to participate in the project expired January 31, 2005.

Summary of Substitute Bill:

The Secretary of State (Secretary) is authorized to establish an Internet voting program for service and overseas voters. In reviewing implementation of the act, the Secretary will consider computing hardware and software systems that:

- ensure the integrity and secrecy of the ballot and authentication of the voter;
- meet relevant and prevailing computer security standards;
- use system components that are available for audit and certification; and
- allow for optional phased implementation.

Alternative public or non-profit funding sources may be sought for purposes of establishing the program. The program will be exempt from the requirements of chapter 29A.12 RCW regarding voting systems.

Substitute Bill Compared to Original Bill:

The substitute bill specifies that the Secretary must consider computing hardware and software systems that: (1) ensure the integrity and secrecy of the ballot and authentication of the voter; (2) meet relevant and prevailing computer security standards; (3) use system components that are available for audit and certification; and (4) allow for optional phased implementation. The requirements that the Secretary consider programs based on open source platforms is removed. In seeking alternative funding sources, the Secretary will seek funds from public and non-profit sources only.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are 67,000 military and overseas people in our state. Some live or serve in remote areas where infrastructure is a problem. These voters face challenges not only in receiving ballots but also in returning ballots. Congress has ordered the Elections Administrations Committee to address this issue. The public approves of this program by three to one. Thurston County participated in the last program that was cancelled because of security concerns. Thurston County offers an Internet ballot program that is very successful. Snohomish County was also part of the last program and believes strongly in the projects. This is an option for military and overseas voters to be able to participate in elections. Security issues will be looked at. No other states are doing what is proposed here, but other states are proposing limited programs. State legislatures are exploring this issue. The Military Department supports the bill. It is difficult to get ballots to soldiers and it is a worthwhile test to see how it would work. Voting by paper ballot is not realistic for many of those serving in the military. The Veterans Legislative Coalition supports the bill. This program will benefit our service members worldwide. The technology is available to implement this program. Ballots voted over the Internet can be collected and stored securely. The National Guard Association of Washington supports the bill. It is important to be able to vote while serving overseas. Speaking as a network security specialist, it is possible to vote securely over the Internet.

(Opposed) Protection of the right to privacy is a concern. There is no safe way to protect our electronic mail or the Internet. The privacy issue for military is very important due to their profession. Statements should be considered from experts on the Internet. The Internet is not secure for voting. This bill takes control away from the Legislature and the people and gives it to the Secretary. Computer scientists should be here to address this bill. The bill is well-intentioned for the purpose of helping military and overseas voters, but the votes would not be secure. Dozens of computer security experts have said that voting over the Internet is not secure and the technology to make it secure is not available at this time. This is a threat to democracy. There are problems with financial interactions of the Internet, contrary to what is said. Someone hacked into the Pentagon system. It is unrealistic that the Secretary can do what the Department of Defense and other experts could not.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Katie Blinn, Office of the Secretary of State; Kim Wyman, Washington Association of County Auditors; Carolyn Weikel, Snohomish County Auditors; Corkey Mattingly, Yakima County Auditors; Nancy Bickford, Washington Military Department; Jim Hill, Sun Microsystems, Inc.; and Wayne Dixon, Washington National Guard Association.

(Opposed) Patty Cogen, Washington State Grassroots; and Jon Gideon and Ellen Theisen, Voters Unite.

Persons Signed In To Testify But Not Testifying: None.